IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7016 of 2005

Between:

Alli Appala Naidu, S/o. Perayya
R/o. Lagarai (V), Rajavommangi (M), E.G. District.

..... PETITIONER

AND

1 The Additional Agent to the Government,

E.G. District at Rampachodavarm.
2 The Special Deputy Collector (TW) Rampachodavarm.,
East Godavari District.
3 The Mandal Revenue officer, Rajavommangi, E.G. District.
4 The Special Deputy Tahsildar (TW), Rajavommangi, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in evicting the petitioners from the land to an extent of Ac. 4.80 cents in Sy.Nos. 1/11 and
1/4 A situated in lagarai Village, Rajavommangi Mandal, East Godavary District in pursuance of the order passed by the 2nd Respondent in L.T.R.P.No. 85/2004 as illegal, arbitrary, and unjust and consequently direct the respondents 2 & 3 not to evict the petitioner from the above land pending disposal of the appeal preferred before the 1st respondent and to pass such other order or orders as this Honourable Court may deem fit and proper.

Counsel for the Petitioner :Mr.K.VENKATESH

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court at the stage of admission made the following :

ORDER:

-

This writ petition is filed to issue a Writ of Mandamus seeking to declare the action of the respondents in evicting the petitioners from the land to an extent of Ac.4.80 cents in Sy.Nos.1/11 and 1/4A situated in Lagarai village, Rajavommangi Mandal, East Godavary District in pursuance of the order passed by the 2nd respondent in L.T.R.P.No.85/2004, as illegal and arbitrary.

Admittedly, challenging the order impugned herein, the petitioner has already preferred an appeal before the additional agent to the Government and the same is pending.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The learned Government Pleader for Social Welfare contended that the petitioner has already availed the alternative remedy of appeal and the matter has been listed for passing of the orders in interlocutory application filed by the petitioner along with the appeal and therefore, the petitioner cannot be permitted to file this writ petition.

Therefore, without entering into the merits of the case, the writ petition is disposed of directing the respondents to take appropriate decision in accordance with law. Till the disposal of the main appeal before the authorities, there shall be status quo to be maintained by both the parties.

_____

K.C.BHANU, J.

Dated: 15..04..2005.

rns

To

1 The Additional Agent to the Government,

E.G. District at Rampachodavarm.

2 The Special Deputy Collector (TW) Rampachodavarm.,
East Godavari District.

3 The Mandal Revenue officer, Rajavommangi, E.G. District.

4 The Special Deputy Tahsildar (TW), Rajavommangi, E.G. District.

5 Two CCs to G.P.for Social Welfare, High Court of A.P.,

Hyderabad(OUT)

6 Two CD copies

7 2 CCs to MR.VENKATESH